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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/945,316	08/30/2001	Ulrich C. Boettiger	108298547US	1351

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EXAMINER

YOUNG, CHRISTOPHER G

ART UNIT	PAPER NUMBER
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1756

DATE MAILED: 04/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/945,316

Applicant(s)

Boettiger et al.

Examiner

Young

Group Art Unit

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—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE -3- MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 3/24/03
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-45 is/are pending in the application.
- ☐ Of the above claim(s) is/are withdrawn from consideration.
- ☐ Claim(s) is/are allowed.
- ☒ Claim(s) 1-45 is/are rejected.
- ☐ Claim(s) is/are objected to.
- ☐ Claim(s) are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 5+6
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

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1. This Office action is responsive to the election and amendment (Paper No. 8) filed March 24, 2003 wherein claims 46-69 were cancelled.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) The invention was described in (1) an application for patent, published under Section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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3. Claims 1-21 are rejected under 35 U.S.C. § 102(e) as being anticipated by Mei et al. '867.

The scope of the protection sought is described, taught and suggest by Mei et al. The Examiner makes specific mention of the claims.

4. Claims 35-45 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Mei et al. '867 in view of one of ordinary skill in the requisite art's ability.

The basic scope of the instant application as set forth in claims 1-21 is anticipated by Mei et al. Claims 35-45 are drawn to a feedback characteristic wherein the image pattern is altered based on feedback information. One of ordinary skill would have found this process step prima facie obvious in view of what is well known in the art and the teachings of Mei et al. The claims set forth the basic invention as claimed and one of ordinary skill would have found it prima facie obvious to optimize the image being set forth on the intended receiving substrate to obtain the highest quality image possible.

5. Claims 22-34 are rejected under 35 U.S.C. § 103(a) as being unpatentable over any one of Cooper et al. '110, Ishikawa '550, Stanton '566 or Shiraishi et al. '740.

Each of these references renders the scope of the protection sought through claims 22-34 prima facie obvious. The Examiner makes specific mention of the drawings in each of the

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patents particularly those setting forth the imaging apparatus, the intended programmable masks and variable mirror apparatus. Furthermore, a careful review of the claims shows the basic process steps of the instant application. The Examiner is relying on a 35 U.S.C. § 103 rejection of prima facie obviousness over each one of these references alone since the basic process is set forth within the metes and bounds of the patents, however, it may not be particularly pointed out or distinctly claimed within any of the references by themselves and as such do not render the scope of the protection sought anticipated. A skilled artisan in possession of any one of these references would have found the instant invention prima facie obvious upon careful review of the drawings and claims and as such the scope of claims 22-34 is prima facie obvious.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Young, whose telephone number is (703) 308-2984. The examiner can normally be reached on Monday through Friday from 8:30 to 5:00.

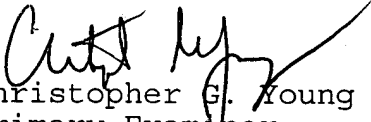
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Huff, can be reached on (703) 308-2464. A Fax communication that is for a non-final fax should be sent to (703) 872-9310. An after final fax should be sent to (703) 872-9311.

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Any inquiry of general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0651.


Christopher G. Young
Primary Examiner
Art Unit 1756

C. Young:cdc
April 7, 2003